

(B) The Notice to Vacate shall be signed by the Owner to indicate the Owner's concurrence.

(2) Immediately after receiving the Owner's representation for termination of tenancy, the Owner's statement (as described in paragraph 882.215(b)(1)(i)(d)) shall be attached to the form of Notification of Owner's Request to PHA for Termination of Tenancy shown in Appendix III, and the PHA shall send the statement and notification to the Family.

(c) *Proceedings for issuance of Notice to Vacate by PHA.*

(1)(i) The Family may present any objections to the Owner's representation for termination of tenancy within ten days after the PHA sends the Owner's statement of the grounds for eviction to the Family.

(ii) The PHA's determination of the Owner's representation shall be made within twenty days after the PHA sends the Owner's statement of the grounds for eviction to the Family.

(2) In making the determination, the PHA shall examine the grounds for eviction, as contained in the Owner's statement, and shall consider any objections submitted by the Family.

(3) The PHA shall not issue the Notice to Vacate if the PHA finds that the stated grounds for eviction are not sufficient under the lease. The PHA shall give separate written notifications to the Family and the Owner of the determination not to issue a Notice to Vacate.

(4) The PHA shall issue the Notice to Vacate as requested by the Owner if the PHA finds that the stated grounds for eviction are sufficient under the lease.

(5) (i) If the PHA decides to issue the Notice to Vacate, the Notice to Vacate shall be served by the PHA within twenty days after the PHA sends the Owner's statement of the grounds for eviction to the Family.

(ii) The Notice to Vacate shall be in writing. A copy of the Notice to Vacate shall be sent to the Owner at the same time that the Notice is served by the PHA on the Family.

(iii) The Notice to Vacate shall comply with any requirements of form and procedure for issuance of a Notice to Vacate under State and local law. The Notice to Vacate shall be served by the PHA in accordance with State and local law.

(iv) At the same time as the PHA serves the Notice to Vacate, the PHA shall advise the Family in writing of the Family's rights with respect to issuance of another Certificate. In particular, the Family shall be advised of the right to an informal hearing in accordance with Section 882.209(f) before a determination

by the PHA not to issue a new Certificate.

(d) Procedures for HAP Contracts executed before *[effective date of this revised rule]*

Owners under Contracts executed before *[the effective date of this revised rule]* may elect not to follow § 882.215(b)(1) (ii) and (iii) and § 882.215(c)(5)(iii) where the election does not derogate from the PHA's sole right to give Notice to Vacate under Section 8(d)(1)(B) of the United States Housing Act of 1937.

2. By revising paragraph (e) of the Addendum to Lease in Appendix I to read as follows:

Appendix I

* * * * *

(e) The Owner may not evict the Family unless the Owner complies with the provisions of the Housing Assistance Payments Contract between the Owner and the PHA, as affected by HUD requirements. A copy of the applicable eviction procedures is attached to and made a part of this Lease.

* * * * *

3. By adding after Appendix II a new Appendix III to read as follows:

Appendix III

Notification of the Owner's Request to PHA for Termination of Tenancy

THIS IS NOT A NOTICE TO VACATE

(Fill in name of owner)
the owner of your dwelling, located at

(Fill in address of family)
has asked this Agency to issue you a Notice to Vacate. Since the rent for your dwelling is assisted under the Section 8 Existing Housing Assistance Payments Program, only we can issue a Notice to Vacate. A copy of the owner's request to us is attached. It gives the owner's reasons for requesting the eviction.

You have the right to tell us your objections to the owner's request. You may tell us your objections in writing or in person. You must tell us the objections by

(Fill in date that is 10 days after owner's statement is sent to the family)

If we decide to approve the eviction and to issue a Notice to Vacate, you may be entitled to another Certificate of Family Participation to use at another location. If we find that you are ineligible for another Certificate, we will tell you why. You have the right to an informal hearing before we make the final decision not to give you another Certificate.

(Print Name of Housing Authority)

By: _____
(Signature of person signing notification for PHA)

(Print name of person signing notification for PHA)

(Print position of person signing notification for PHA)

(Section 7(d), Department of HUD Act (42 U.S.C. 3535(d)); section 5(b) of the U.S. Housing Act of 1937 (42 U.S.C. 1437c(b)).)

Issued at Washington, D.C., September 19, 1980.

Lawrence B. Simons,
Assistant Secretary for Housing-Federal
Housing Commissioner.

[FR Doc. 80-34151 Filed 10-31-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Parts 103a and 103b

Indian Moneys, Proceeds of Labor; Special Deposits 1980

September 25, 1980.

AGENCY: Bureau of Indian Affairs,
Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Indian Affairs proposes rules to establish two new internal accounting procedures. Part 103a establishes regulations dealing with the source, deposit, investment, and use of Federal moneys classified as "Indian Moneys, Proceeds of Labor". Part 103b will prescribe policies governing the handling of "special Deposits" by the Bureau.

DATES: Comments must be received on or before December 3, 1980.

ADDRESSES: Submit written comments to the Bureau of Indian Affairs, Division of Program Development and Implementation (Code 720), Room 355, 1951 Constitution Avenue, N.W., Washington, D.C. 20245.

FOR FURTHER INFORMATION CONTACT: Thomas A. Stangl, Program Analysis Officer, Bureau of Indian Affairs, Room 355, 1951 Constitution Avenue, N.W., Washington, D.C. 20245, telephone (202) 343-4807.

SUPPLEMENTARY INFORMATION: "Indian Moneys, Proceeds of Labor," are miscellaneous receipts collected by the Bureau of Indian Affairs at BIA agencies and schools. Although these "IMPL" funds originally included moneys belonging to Indian tribes, different laws now govern the collection, deposit, and use of tribal funds and the proposed regulations therefore deal only with income from BIA agencies and schools which belongs to the federal government as opposed to tribes or individual Indians.

The proposed regulations on "IMPL" funds would make several changes with respect to the types of income which

have been considered IMPL receipts. For example, interest earned on "special deposits" will no longer be included as IMPL receipts, as a general rule.

Part 103a also requires that IMPL funds be used to support Bureau programs at the agency or school in accordance with approved program plans for the expenditure of such funds. Under Federal law, IMPL funds may be expended only for the benefit of the agency or school at which the funds were collected.

Part 103b revises Bureau policy with respect to the investment of "special deposits". As noted above, prior to this time, any interest earned from the investment of special deposits was included as IMPL receipts. Under the proposed regulations, interest earned on special deposits will, with certain limitations, be distributed to the owners of the principal account which earned the interest. This means that tribes and individual Indians will now receive the interest earned on special deposit funds which belong to them rather than having such interest paid to the Bureau. The \$500/60 day limitation on payment of interest earned on special deposits has been established because the administrative workload required to manually determine the precise distribution of interest to every principal account would be excessive and economically infeasible.

The proposed regulations were drafted by a BIA task force group established at the direction of the Assistant Secretary—Indian Affairs. The primary author of this document is Thomas A. Stangl, Division of Program Development and Implementation, BIA.

The Department has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14. It has been determined that these proposed regulations are not a major Federal action within the scope of the National Environmental Policy Act of 1969 (42 U.S.C. 4332 (a), (c)).

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

It is proposed to add a new part 103a and a new part 103b to Subchapter J, Chapter 1 of Title 25 of the Code of Federal Regulations to read as follows:

PART 103a—INDIAN MONEYS, PROCEEDS OF LABOR (IMPL)

- Sec.
103a.1 Purpose and scope.
103a.2 Definitions.
103a.3 Sources of IMPL funds.

- Sec.
103a.4 Collection and deposit of IMPL funds.
103a.5 Investment of IMPL funds.
103a.6 Expenditure and use of IMPL funds.
103a.7 Development and approval of IMPL use plans.
103a.8 Limitations on use of IMPL funds.
Authority: 25 U.S.C. 2, 25 U.S.C. 9; 25 U.S.C. 155.

§ 103a.1 Purpose and scope.

The purpose of these regulations is to set forth the conditions governing the receipt, deposit, investment, and use of miscellaneous revenues derived from BIA agencies and schools under the Act of March 3, 1883, as amended (25 U.S.C. 155). These regulations apply only to income belonging to the federal government and not to tribal funds or moneys belonging to individual Indians.

§ 103a.2 Definitions.

(a) "Agency" means any field office of the Bureau officially designated as an Indian agency and which provides direct services at the local level to Indians and Indian tribes, who are recognized by the Bureau as eligible for federal services to Indians because of their status as Indians.

(b) "Agency Superintendent" means the Bureau official in charge of a Bureau agency.

(c) "Bureau" or "BIA" means the Bureau of Indian Affairs, Department of the Interior.

(d) "Enterprise operation" means an economic activity operated at a Bureau agency or school which is designated to provide goods or services where such goods or services are not available or are not provided in an effective or satisfactory manner, or which has as its primary purpose enhancement of the educational experience of Indian students and is only incidentally commercial in nature.

(e) "IMPL funds" means all miscellaneous revenues included within the definition of IMPL receipts under section 103a.3 of this Part which are covered into the U.S. Treasury as federal trust funds under Account 14x8500, Indian Moneys, Proceeds of Labor.

(f) "P.L. 638" means the Indian Self-Determination Act, Act of January 4, 1975, Title I, Public Law 93-638 (25 U.S.C. 450 et seq.).

(g) "Project basis" means short-term Bureau program at an agency or school aimed at a specific objective which can usually be accomplished within one year's time, and which supplements ongoing Bureau programs of a more permanent nature.

(h) "School" includes any school operated directly by the Bureau or by an Indian tribe or organization pursuant to

a P.L. 638 contract, except that tribally controlled previously private contract schools are not included within the term "school" for the purpose of section 103a.3(a)(1) of this Part.

(i) "School Supervisor" means the Bureau official in charge of a Bureau school.

§ 103a.3 Sources of IMPL funds.

(a) IMPL receipts include—

(1) All miscellaneous revenues collected on behalf of the Bureau through Bureau agencies and schools as income from the sale of goods or services by the Bureau, gross receipts from leases, rentals, permits, licenses, and fees for the use of federal lands, facilities, and property and revenues from other Bureau activities, including gross receipts from activities financed by appropriated funds, except as otherwise provided by federal statute superseding 25 U.S.C. 155, and

(2) Interest from the investment of IMPL funds.

(b) IMPL receipts do not include—

(1) Special deposits and interest on special deposits except to the extent provided under Part 103b;

(2) Funds belonging to individual Indians or Indian tribes;

(3) Fees collected under 25 U.S.C. 413 to cover the cost of work performed by the Bureau of Indian tribes or individual Indians;

(4) Fees collected under 40 U.S.C. 490 (k) as charges for space and services in Bureau facilities not in excess of actual operating and maintenance costs of providing such space or services; or

(5) Fees collected from the lease of federal buildings or the sale of supplies, equipment, or services to other government bureaus and departments under 31 U.S.C. 686 (b) or 40 U.S.C. 303b.

§ 103a.4 Collection and deposit of IMPL funds.

IMPL receipts will be handled in accordance with the procedures set forth in Chapter 3—Collections, Title 7 Fiscal Procedures, General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies. IMPL receipts will be deposited to appropriate income codes for Activity 2660, "IMPL", as contained in the Bureau Financial Management Accounts Handbook, as revised.

§ 103a.5 Investment of IMPL funds.

IMPL funds not immediately required for expenditure will be invested by the Bureau as part of its regular investment program and will remain invested until notice is given that the funds are being allotted from the trust account for

expenditure under an approved program plan.

§ 103a.6 Expenditure and use of IMPL funds.

(a) IMPL funds may be used only for the benefit of the agency or school for which such receipts were collected, and in accordance with an approved program plan under § 103a.7.

(b) In general, IMPL funds may be expended for any program at an agency or school which the Bureau has statutory authority to operate. However, they should not be used to fund projects specifically reduced or disallowed by the Congress. IMPL funds may be expended directly by the Bureau or pursuant to a P.L. 638 contract covering tribal operation of an authorized agency or school program. As a matter of policy, however, IMPL funds will not generally be used to finance the full costs of an on-going Bureau program on a permanent basis, either directly or through contract. IMPL funds may be used up to three (3) years to fund the full cost of authorized Bureau programs for which appropriations have been requested but not received or for which appropriations are not currently available, and to fund the full cost of temporarily expanding regular Bureau programs, whether directly or through contract. IMPL funds may also be used to support Bureau enterprise operations at Bureau agencies and schools without any limitation on time. IMPL funds may also be used to supplement regular Bureau programs on a project basis, either directly or through contract.

§ 103a.7 Development and approval of IMPL use plans.

(a) Each agency superintendent, school supervisor, or other Bureau official responsible for a Bureau school or agency shall submit an annual IMPL program plan for the expenditure of IMPL funds held for, and IMPL receipts accruing to, such agency or school. Program plans will be developed within the budget cycle and will utilize guidelines, formats, exhibits, justification, costs principles, and other procedures developed within the Bureau's financial management system.

(b) Each program plan shall be reviewed and approved or disapproved by the Bureau official having direct line authority over such agency superintendent, school supervisor, or other appropriate Bureau official.

(c) All expenditures of IMPL funds shall be in accordance with such program plan and any amendments or revisions thereto. Expenditures under "IMPL" use plans are subject to the same audit, review, and investigation as

expenditures of appropriated funds under other Bureau programs.

§ 103a.8 Limitations on use of IMPL funds.

(a) IMPL funds may not be expended as part of a P.L. 638 grant, but may be expended under a separate P.L. 638 contract which supplements a program pursuant to a P.L. 638 grant.

(b) IMPL funds will not be expended for the construction or major alteration and improvement of federal facilities, except as specifically authorized in the Bureau's annual budget or in case of emergency approved by the Commissioner of Indian Affairs.

(c) IMPL funds may not be expended to acquire lands for tribes or for the construction of tribal facilities, or for the operation and maintenance of tribal facilities except where such expenditure represents a portion of Bureau program costs in situations where such costs are paid by the Bureau in lieu of rent.

(d) IMPL funds may not be expended for any other use which, from time to time, may be excluded by executive order or by administrative limitations issued by the Secretary of the Interior, or his authorized representative.

PART 103b—SPECIAL DEPOSITS

Sec.

103b.1 Purpose and scope.

103b.2 Definitions.

103b.3 Investment of special deposit funds.

103b.4 Payment and distribution of interest on special deposit funds.

Authority: 25 U.S.C. 2, 25 U.S.C. 9.

§ 103b.1 Purpose and scope.

The purpose of these regulations is to set forth the conditions governing the deposit, investment, and distribution of interest on funds held by the Bureau in special deposits.

§ 103b.2 Definitions.

(a) "Bureau" or "BIA" means the Bureau of Indian Affairs, Department of the Interior.

(b) "Eligible principal account" means a principal account which has been on deposit for at least 60 calendar days during the investment period and which has an average month-end balance of at least \$500 during the investment period.

(c) "IMPL account" means Account 14X8500, Indian Moneys, Proceeds of Labor, U.S. Treasury.

(d) "Principal account" means each separate payment or deposit of money to the Bureau which is held as a special deposit.

(e) "Proportionately" means in the same proportion that the amount of an eligible principal account bears to the total amount of all eligible principal accounts.

(f) "Special deposit" means any suspense account used for the temporary deposit of funds which cannot be credited to specific accounts or readily distributed, including, but not limited to, (1) advance deposits required when bidding on and awaiting approval of mining leases on trust or restricted Indian lands, including oil, gas, coal, and other minerals, (2) advance deposits on other leases and permits for such Indian lands, (3) advance payments and advance deposits required on sales of timber and other natural resources from such Indian lands, (4) deposits for rights of way over such Indian lands and anticipated right-of-way damages held until such damages are determined, and (5) deposits for grazing fees on such Indian lands.

(g) "Special deposit funds" means those funds held in special deposits.

§ 103b.3 Investment of special deposit funds.

(a) It is the policy of the Bureau to invest all special deposit funds which have been paid to the Bureau on behalf of Indians or Indian tribes pending the eventual payment for the sale, lease, or other transfer of tribal or individual Indian property.

(b) It is the policy of the Bureau not to invest special deposit funds which are (1) deposited solely for the purpose of guaranteeing performance, or (2) subject to immediate return on demand of the depositor.

§ 103b.4 Payment and distribution of interest on special deposit funds.

(a) It is the general policy of the Bureau that interest and earnings from the investment of special deposit funds will be credited to subsidiary interest accounts for principal accounts upon which the interest was earned. Therefore, interest and earnings from special deposit funds will not be deposited into the Bureau's IMPL account, except as expressly provided in this section.

(b) Interest earned through investment of special deposit funds shall be deposited every six months into a subsidiary interest account for each eligible principal account, subject to the limitations contained in paragraph (c), and shall be distributed on the same basis as the principal account.

(c) Interest earned through investment of special deposit funds shall not be distributed to any principal account which is on deposit less than 60 calendar days during the investment period or which has an average month-end balance of less than \$500 during the investment period, and earnings attributable to such accounts shall be

distributed under subsection (b), along with the remaining earnings, to all eligible principal accounts proportionately, or, if there are no remaining eligible principal accounts, to the Bureau's IMPL account to the credit of the Bureau agency or school where the special deposit was made.

(d) Payment of the principal from special deposits shall not be delayed because of computation and distribution of interest, if any, payable to such principal account.

Thomas W. Fredericks,

Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 80-34175 Filed 10-31-80; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 4

[Notice No. 354; Re: Notice No. 333]

Cider; Withdrawal of Advance Notice of Proposed Rulemaking

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury.

ACTION: Withdrawal of advance notice of proposed rulemaking.

SUMMARY: This document withdraws Notice No. 333 (45 FR 2855) in which the Bureau of Alcohol, Tobacco and Firearms (ATF) solicited public comment as to whether the standard of identity for cider should be changed to allow the designation "cider" on wine derived from a mixture of apple and pear juices if not more than 25 percent of the mixture is pear juice. Presently, fruit wine which is designated "cider" must be derived entirely from apple juice. ATF is withdrawing the advance notice as a result of comments received from the public and the industry.

FOR FURTHER INFORMATION CONTACT: Thomas Minton, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington DC, 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:

Notice No. 333

ATF originally issued Notice No. 333 on January 15, 1980, (45 FR 2855) in response to a petition from a trade association representing the cider industry. ATF did not propose any regulatory changes in Notice No. 333, but solicited input from interested persons on the desirability of changing the standard of identity for cider. ATF also sought information concerning the

current consumer understanding of cider.

Summary of Comments

ATF received 104 comments in response to Notice No. 333. The overwhelming majority of the commenters felt that ATF should not allow fruit wine designated as "cider" to be derived from a mixture of apple and pear juices. Most of the commenters felt that the consumer understanding of cider is that cider is produced entirely from apples. The commenters generally felt that by allowing pear juice as an ingredient in cider, ATF would promote consumer deception and would lower the quality of the cider available in this country.

Among the comments, was one from the petitioning trade association. The association changed its position on its proposal and stated that the use of pears in cidermaking in the United States is neither traditional, necessary, nor desirable.

ATF agrees that fruit wine derived from apple and pear juices should not be designated as cider. ATF, therefore, withdraws Notice No. 333.

Drafting Information

The principal author of this document is Thomas L. Minton of the Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority

This document is issued under the authority of 27 U.S.C. 205.

Signed: October 2, 1980.

G. R. Dickerson,

Director.

Approved: October 27, 1980.

Richard J. Davis,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 80-34125 Filed 10-31-80; 8:45 am]

BILLING CODE 4810-31-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-2-FRL 1653-4]

Interstate Pollution Abatement; Notice of Proceedings Under Section 126 of the Clean Air Act and Hearing

AGENCY: Environmental Protection Agency.

ACTION: Notice of proceedings under Section 126 of the Clean Air Act (Interstate Pollution Abatement).

SUMMARY: This notice concerns a public hearing to discuss the interstate air

pollution impact of particulate matter and sulfur dioxide within the New Jersey-New York-Connecticut metropolitan area. Section 126 of the Clean Air Act provides a mechanism for any state or political subdivision to petition the Environmental Protection Agency to determine after public hearing whether a major pollution source in another state is causing or has the potential to cause an interstate air pollution problem. Such petitions have been filed by the State of Connecticut and the State of New Jersey. Findings with respect to these petitions will be made on the basis of the record of this public hearing and other information contained in the proceedings.

Petitions from both Connecticut and New Jersey deal with the air quality impact of the use of 1.5 percent sulfur content fuel oil by the Consolidated Edison Company of New York, Inc. at its Arthur Kill and Ravenswood plants in New York City. An additional petition from Connecticut deals with the air quality impact resulting from the use of 2.8 percent sulfur content fuel oil by the Long Island Lighting Company at certain units of its Northport and Port Jefferson generating stations, located in Suffolk County, New York. In addition, all the petitions generally raise the issue of potential interstate air pollution resulting from the possible conversion of many power facilities in New Jersey-New York-Connecticut metropolitan area from fuel oil to coal. The New Jersey petition raises this issue specifically. Such conversions can be required by the U.S. Department of Energy.

DATES: The hearing will be held on December 3 and 4, 1980. Requests to present testimony at the hearing should be received by November 25, 1980. EPA requests an advance copy of written testimony and factual information wherever possible; however, written material will be accepted up until the close of the public hearing record on January 5, 1981.

ADDRESSES: The hearing will be held at: The Federal Office Building, 26 Federal Plaza (on Broadway between Worth and Duane Streets), Room 305B, New York, New York 10278.

The hearing will convene on December 3, 1980 at 10:00 a.m. and recess at 5:00 p.m. (or such time as all speakers scheduled for the afternoon have completed their testimony); it will reconvene at 9:00 a.m. on December 4, 1980 and adjourn when all scheduled testimony has been completed.

Individuals wishing to be scheduled to present testimony at the hearing must contact by letter or phone: Robert A.